

Appl. No. 09/782,150  
Amdt. Dated April 26, 2005  
Reply to Office Action of January 26, 2006

### Remarks

The present amendment responds to the Official Action dated January 26, 2005. The Official Action rejected claims 1-10 under 35 U.S.C. 103(a) as unpatentable over Eilert U.S. Patent No. 6,282,560 ("Eilert") in view of Burgess U.S. Patent No. 5,796,633 ("Burgess"). These grounds of rejection are addressed below after a brief discussion of the present invention to provide context. Claims 1 and 6 have been amended to be more clear and distinct. Claims 1-10 are presently pending.

### The Present Invention

In one aspect, the present invention provides systems and techniques for recording information relating to operating software events as they occur. Various programs and tasks are controlled by the operating system, and resource consumption, performance, scheduling and other information relating to the programs and tasks may be recorded. The information may be maintained in a ledger where it is available for analysis in order to evaluate system performance. The results of the analysis can be used to identify parameter changes that can be made in order to improve system performance.

Appl. No. 09/782,150  
Amdt. Dated April 26, 2005  
Reply to Office Action of January 26, 2006

### The Art Rejection

The art rejection hinges on the application of Eilert and Burgess, applied in combination. As addressed in greater detail below, Eilert and Burgess do not support the Official Action's reading of them and the rejections based thereupon should be reconsidered and withdrawn. Further, the Applicant does not acquiesce in the analysis of Eilert and Burgess made by the Official Action and respectfully traverses the Official Action's analysis underlying its rejections.

The Official Action rejected claims 1-10 35 U.S.C. 103(a) as unpatentable over Eilert in view of Burgess. In light of the present amendments to claims 1 and 6, this ground of rejection is respectfully traversed.

Claim 1, as amended, claims recording event information relating to operating software events as the events occur, in order to generate operating software program scheduling information relating to interactions between the operating system software and the programs and tasks managed by the operating system software. The event information includes information relating to processor resource usage, priority and efficiency of operation of various applications managed by the operating system software. Claim 1, as amended, further claims analyzing the operating software program scheduling information in order to determine how system performance is affected by the operations of the applications being managed by the operating system software, with this analysis being performed by the operating system software of the system for which the operating software program scheduling information has been generated. Claim 1 further claims adjusting defined parameters to modify system performance. These limitations in the claimed combination are not taught and are not made obvious by Eilert, Burgess, or a combination of Eilert and Burgess. Eilert teaches techniques for managing processor resources in a system supporting both real time and non real time applications. Eilert

Appl. No. 09/782,150  
Amdt. Dated April 26, 2005  
Reply to Office Action of January 26, 2006

sets a limit on the processor capacity that can be consumed by real time applications, in order to insure that sufficient resources remain to support non real time applications. Eilert performs workload management in order to insure that tasks are performed in an orderly manner. Eilert also examines processor consumption and adjusts system parameters, such as the dispatch priority of various tasks, in order to achieve performance goals.

However, the Official Action admits that Eilert does not record event information relating to operating software events and recording event information relating to operating software events as the events occur, in order to provide operating software program scheduling information relating to interactions between the operating system software and the programs and tasks managed by the operating system software, the event information including information relating to processor resource usage, priority and efficiency of operation of various applications managed by the operating system software. Recording operating software events in order to provide operating software program scheduling information makes available significant historic information that can be analyzed to provide a great deal of useful information about the operation and performance of a computer system. Such information goes well beyond that provided or required by Eilert.

Adding Burgess to Eilert does not cure Eilert's deficiencies as a reference with respect to claim 1, as amended. Burgess teaches collecting information relating to the operation and performance of one computer system and passing this information to another computer system for analysis and action. Events, alerts and other information are passed from a monitoring and tracking agent hosted on a monitored computer. The events, alerts and other information are received by a monitoring and tracking listener operating on a monitoring computer. The monitoring and tracking listener processes this information in order to gain insight into the

Appl. No. 09/782,150  
Amdt. Dated April 26, 2005  
Reply to Office Action of January 26, 2006

operation of the monitored computer and to make decisions related to adjustments of the operation of the monitored computer. The passing of information from the monitored computer to the monitoring computer requires various calls, interrupts and other communication between the two computers.

Claim 1, by contrast, claims that analysis is performed by operating system software of the system for which the operating software scheduling information has been generated. Such analysis avoids the need for communication between a monitored and a monitoring system and thus avoids the overhead required to maintain a separate monitoring system and to maintain communication between the monitored and the monitoring system. Claim 1, as amended, therefore defines over the cited art and should be allowed.

Claim 6, as amended, claims a memory coupled to a processor. The memory has stored therein sequences of instructions which, when executed by the processor, cause the processor to record operating software events as the events occur, in order to generate operating software program scheduling information relating to interactions between the operating system software and the programs and tasks managed by the operating system software. The event information includes information relating to processor resource usage, priority and efficiency of operation of various applications managed by the operating system software and to analyze the operating software scheduling information in order to determine how system performance is affected by the operations of the applications being managed by the operating system software. The sequences of instructions performing the analysis of the operating software scheduling information are part of the instructions forming the operating system software for which the operating software scheduling information has been generated. The sequences of instructions stored within the memory include sequences of instructions to adjust defined parameters to modify system

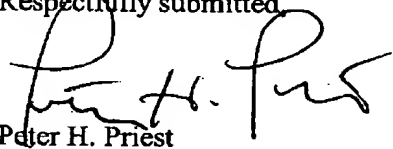
Appl. No. 09/782,150  
Amdt. Dated April 26, 2005  
Reply to Office Action of January 26, 2006

performance. For the reasons stated above with respect to claim 1, neither Eilert, Burgess nor a combination thereof teaches sequences of instructions performing analysis of operating software scheduling information being part of instructions forming operating system software for which the operating software scheduling information has been generated. Claim 6, as amended, therefore defines over the cited art and should be allowed.

#### Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



Peter H. Priest  
Reg. No. 30,210  
Priest and Goldstein, PLLC  
5015 Southpark Drive, Suite 230  
Durham, NC 27713-7736  
(919)806-1600